



Docket No.: 010684.0103PTUS
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rodney T. Whisnant et al.

Application No.: 09/960162

Confirmation No.: 4261

Filed: September 20, 2001

Art Unit: 2624

For: SYSTEM FOR TRANSFERRING A DIGITAL
IMAGE FROM A PHOTOGRAPHER TO A
FULFILLMENT CENTER TO GENERATE A
PHOTOGRAPHIC PROCESS

Examiner: P.K. Huntsinger

DECLARATION OF CARL A. FOREST UNDER RULE 131

I, Carl A. Forest, hereby declare:

1. I, Carl A. Forest, am currently a Partner in Patton Boggs LLP. I have a B.S. and a M.S. in physics and a Ph.D. in theoretical Solid State physics, and have worked in the area of software either as a physicist and/or as a patent attorney, for 32 years. I have written and prosecuted more than 500 United States patent applications, more than 75 of which relate to software and computers.
2. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true.
3. Express Digital Graphics, Inc., the assignee of the above-identified patent application (the Application), is a client of Patton Boggs LLP, and I represent the Applicants of the Application in the prosecution of the Application.
4. On or about April 10, 2001, I and Mr. Wil Wilbar, who at that time was an associate with Patton Boggs LLP, met with Graham McFarland, President and CEO of Express Digital Graphics, Inc. and received authorization to write the present Application.

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5. On April 1, 2001, our former firm of Duft, Graziano & Forest, P.C., a patent boutique located in Louisville, Colorado, was acquired by Patton Boggs LLP, a Washington, DC based law firm of more than 300 attorneys.

6. Because they did not want to work for a large law firm and/or for other reasons personal to themselves, most of the associates of the firm left prior to or shortly after the change in ownership of the firm.

7. In April 2001, I had a backlog of more than 50 patent applications to write, and upon joining Patton Boggs, many additional applications came in from other attorneys in the firm.

8. In April 2001, I was also the lead patent attorney in a heated patent litigation, Particle Measuring Systems v. Rion Co., Ltd, et al.

9. I had available to me only two associates capable of writing the backlog of patent applications.

10. Despite this backlog, because of the importance of the present Application, we accelerated the writing of the Application ahead of many others.

11. A draft of the Application was ready on or about August 10, 2001. It was immediately reviewed by the inventors and revisions were returned to us by August 29, 2001.

12. Formal drawings were prepared in the next two weeks, and on or about September 10, 2001, the revised Application with formal drawings, Declaration, and Assignment were emailed to the inventors.

13. The Declaration and Assignment were signed on September 12, 2001, and returned to us, and the Application was filed on September 20, 2001.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

3/27/06

Carl A. Forest